



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

MAR 28 2019

URGENT LEGAL MATTER
PROMPT REPLY NECESSARY
CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Jorge Valdivieso, President
Brosval Chemicals, Inc.
P.O. Box 1144
Peñuelas, PR 00624

Re: Notice of Potential Liability and Request for Information Pursuant to Sections 107(a) and 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601-9675, relating to the PROTECO Site in Peñuelas, Puerto Rico

Dear Mr. Valdivieso:

The United States Environmental Protection Agency ("EPA") is charged with responding to releases or threatened releases of hazardous substances, pollutants, and/or contaminants into the environment, and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601-9675 ("CERCLA"), also known as the "Superfund" law. For your information, a copy of the Superfund law may be found at www.epa.gov/superfund.

EPA has documented the release or threatened release of hazardous substances into the environment at the PROTECO Site ("the Site"), which is located at Road 385, Km 4.4, Bo. Tallaboa, Peñuelas, Puerto Rico. The Site is the location of a former hazardous waste treatment, storage, and disposal facility ("TSDF"). Operations at the TSDF began in 1975 under the name Servicios Carbareon, Inc.; in 1985, the name was changed to Protección Técnica Ecológica Corp. (i.e., "PROTECO"), which was succeeded by Resources Management, Inc. doing business as PROTECO. During its years of operation, the TSDF accepted a variety of wastes from multiple sources, including electroplating sludge, wastewater treatment plant sludge, slurries, petroleum wastes, pesticide wastes, and pharmaceutical and manufacturing wastes.

In November 1980, PROTECO submitted a Part A Permit Application pursuant to the Resource Conservation and Recovery Act ("RCRA"), thus entering interim status. In 1987, EPA and

PROTECO entered into a consent decree stipulating that PROTECO would perform injunctive relief with respect to RCRA violations. In November 1997, after it became apparent that PROTECO had continued to violate RCRA regulations and provisions of the original consent decree, EPA and PROTECO entered into an amended consent decree requiring the TSDF to meet RCRA closure and post-closure care requirements. PROTECO conducted closure of waste units from November 1997 to February 1999 and conducted some post-closure maintenance but stopped performing post-closure care altogether sometime between 2001 and 2009. Since then, EPA inspectors have confirmed that PROTECO is not maintaining the Site and is out of compliance with post-closure care provisions of the amended consent decree.

On May 17, 2018, the Site was proposed to be added to the "National Priorities List," EPA's list of releases and potential releases of hazardous substances, pollutants, and contaminants that appear to pose the greatest threat to public health, welfare, and the environment, established under Section 105(a) of CERCLA, 42 U.S.C. § 9605(a). In response to these releases and threatened releases, EPA has spent public funds and EPA anticipates spending additional public funds at the Site. The Site has not yet been finalized on the National Priorities List.

NOTICE OF POTENTIAL LIABILITY

Under CERCLA, responsible parties may be held liable for all monies expended by the federal government in taking response actions in connection with a site where hazardous substances have been released – including the cost of EPA's investigative, planning, removal, remedial, and enforcement actions. Responsible parties also may be ordered by EPA to take response actions themselves. Responsible parties under CERCLA include current and former owners and operators of a Site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the Site, and persons who accepted hazardous substances for transport and selected the Site to which the hazardous substances were delivered.

By this letter, we notify you that Brosval Chemicals, Inc., as a current owner and operator and/or prior owner or operator at a time of disposal at the Site, is a potentially responsible party for the Site pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a). Please note that EPA has also identified a number of other potentially responsible parties. A list of identified parties, current as of the date of this letter, is enclosed as Attachment C.

RESOURCES AND INFORMATION FOR SMALL BUSINESSES

As you may be aware, the Superfund Small Business Liability Relief and Brownfields Revitalization Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may download a copy of the law at <https://www.govinfo.gov/content/pkg/PLAW-107publ118/html/PLAW-107publ118.htm> and review EPA guidances regarding these exemptions at <https://cfpub.epa.gov/compliance/resources/policies/cleanup/superfund/>.

EPA has created a number of helpful resources for small businesses. EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers that offer various forms of resources to small businesses. You may inquire about these resources at

<https://www.epa.gov/compliance/compliance-assistance-centers>. Finally, EPA has developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act and information on resources for small businesses, which is enclosed with this letter as Attachment D and available on the Agency's website at <https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf>.

REQUEST FOR INFORMATION

This letter also seeks your cooperation in providing information and documents relating to the contamination of the Site. We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to the attached Request for Information **within 21 calendar days** of your receipt of this letter.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority to require persons to provide the following: information and/or documents relating to materials generated, treated, stored, or disposed of at, or transported to a facility; the nature or extent of a release or threatened release of a hazardous substance, pollutant, or contaminant at or from a facility; and the ability of a person to pay for or perform a cleanup.

While EPA seeks your cooperation in this investigation, your compliance with the attached Request for Information is required by law. In preparing your response to this Request for Information, please follow the instructions provided in Attachment A.

When you have prepared your response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return and/or scan and email that Certification to EPA along with your response. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with a Request for Information.

Some of the information EPA is requesting may be considered by you to be confidential business information. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat all or part of the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions included in Attachment A, including the required support of your claim of confidentiality.

If you have information about other parties who may have information that may assist EPA in its investigation of the Site, or may be responsible for the material stored or disposed of at the Site, that information should be submitted within the time frame noted above. Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by our Request for Information, you must promptly notify EPA and turn over the additional or different information to EPA.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501-3520.

Your response to this Request for Information, which we encourage you to submit electronically, should be sent to the following:

Andrea Leshak, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, New York 10007-1866
leshak.andrea@epa.gov

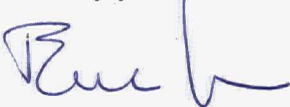
and to:

Zolymer Luna
Caribbean Environmental Protection Division
U.S. Environmental Protection Agency, Region 2
City View Plaza II, Suite 7000
#48 Rd 165, km 1.2
Guaynabo, Puerto Rico 00968-8069
luna.zolymer@epa.gov

If you have any questions regarding this letter, or would like to discuss the matter with EPA, you may call Ms. Luna at (787) 977-5844 or email her at the email address listed above. Please direct all inquiries from an attorney to Ms. Leshak at (212) 637-3197 or at the email address listed above.

We appreciate your attention to this matter and look forward to your prompt response to this letter.

Sincerely yours,



Eric J. Wilson
Deputy Director for Enforcement and Homeland Security
Emergency and Remedial Response Division

Enclosures

ATTACHMENT A

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

DIRECTIONS

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Request for Information. For each question contained in **Attachment B** of this letter, if information responsive to this Request for Information is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees and/or agents. Submission of cursory responses when other responsive information is available to you will be considered non-compliance with this Request for Information. Whenever in this Request for Information there is a request to identify a natural person or an entity, state, among other things, the person or entity's full name and present or last known address.
4. Identify Sources of Answers. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Inability to Answer or Provide Documents. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and telephone number and the reason for your belief.
6. Documents. If anything is deleted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the deletion. If a document is requested but is not available, state the reason for its unavailability.
7. Continuing Obligation to Provide and to Correct Information. If additional information or documents responsive to this Request for Information become known or available to you after you respond to this Request for Information, EPA hereby requests pursuant to Section 104(e) of CERCLA that you supplement your response to EPA. If after submitting your response, you discover that information you submitted is incorrect, it is necessary that you promptly notify EPA and correct such information.

8. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. Part 2.203(b). To prove your claim of confidentiality, each document must separately address the following points:
- a. the portions of the information alleged to be entitled to confidential treatment;
 - b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
 - c. measures taken by you to guard against the undesired disclosure of the information to others;
 - d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
 - e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
 - f. whether you assert that disclosure of the information would be likely to result in substantial harmful effect on your business's competitive position and, if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "CONFIDENTIAL" on all responses and any related documents you assert to be confidential. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if applicable, after which the information need no longer be treated as confidential. Please submit in separate envelopes both a clean and a redacted version of any documents or response for which you make a claim of confidentiality.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

9. Disclosure to EPA Contractor. Information that you submit in response to this Request for Information may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. Part 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that EPA may disclose all responses to this Request for Information to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Request for Information. Pursuant to 40 C.F.R. Part 2.310(h), private contractors must sign a

contractual agreement that prohibits the disclosure of such information to anyone other than EPA without the prior written approval of each affected business or of an EPA legal office. If you are submitting information that you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Request for Information.

10. Personal Privacy Information. Personnel and medical files and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
11. Objections to Questions. If you have objections to some or all the questions within the Request for Information letter, you are still required to respond to each of the questions.

DEFINITIONS

The following definitions shall apply to the following words insofar as they appear in this Request for Information.

1. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.
2. The term "Company" shall mean Brosval Chemicals, Inc. and its predecessors and successors, as they were or currently are named and constituted, and all subsidiaries, divisions, affiliates, and branches.
3. The term "disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
4. The term "documents" includes any written, recorded, computer-generated, visually, or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.
5. The term "entity" or "entities" refers to persons, individuals, companies, partnerships, or any other type of business association.
6. The term "Facility" shall mean the location of the former PROTECO hazardous waste treatment, storage, and disposal facility at Road 385, Km 4.4, Bo. Tallaboa, Peñuelas, Puerto Rico.

7. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances. The substances that have been designated as hazardous substances pursuant to Section 102(a) of CERCLA, 42 U.S.C. § 9602(a), (which, in turn, comprise a portion of the substances that fall within the definition of "hazardous substance" under Section 101(14) of CERCLA) are set forth at 40 C.F.R. Part 302.
8. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of the Resource Conservation and Recovery Act, as amended ("RCRA"), 42 U.S.C. § 6903(5).
9. The term "identify" means, with respect to a natural person, to set forth the person's full name, present or last known employer, business address, and business telephone number, as well as the present or last known home address and home telephone number. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term "identify" means to provide its full name, address, and any affiliation or contractual relationship it has with the individual and/or Company to whom/which this Request for Information is addressed.
10. The term "industrial waste" shall mean any solid, liquid, or sludge or any mixtures thereof that possess any of the following characteristics:
 - a. it contains one or more "hazardous substances" (at any concentration) as defined in Section 101(14) of CERCLA;
 - b. it is a "hazardous waste" as defined in Section 1004(5) of RCRA;
 - c. it has a pH less than 2.0 or greater than 12.5;
 - d. it reacts violently when mixed with water;
 - e. it generates toxic gases when mixed with water;
 - f. it easily ignites or explodes;
 - g. it is an industrial waste product;
 - h. it is radioactive;
 - i. it is an industrial treatment plant sludge or supernatant;
 - j. it is an industrial byproduct having some market value;
 - k. it is coolant water or blowdown waste from a coolant system;
 - l. it is a spent product that could be reused after rehabilitation; or
 - m. it is any material that you have reason to believe would be toxic if either ingested, inhaled, or placed in contact with skin.
11. The term "material" or "materials" means any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.

12. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.
13. The term "release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
14. The term "Site" shall mean the PROTECO Site, including the real property located at Road 385, Km 4.4, Bo. Tallaboa, Peñuelas, Puerto Rico.
15. The term "treatment" or "treat" shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
16. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
17. The term "you" shall mean the addressee of this Request for Information.
18. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions shall apply.

ATTACHMENT B

REQUEST FOR INFORMATION

1. Answer the following questions regarding Brosval Chemicals, Inc.:
 - a. State the correct legal name and mailing address for the Company;
 - b. State the name(s) and address(es) of the President, Chief Executive Officer, and the Chairman of the Board (or other presiding officer) of the Company;
 - c. Identify the state/commonwealth and date of incorporation of the Company and the name of its agents for service of process in the state/commonwealth of incorporation and in Puerto Rico, if different; and
 - d. Identify any successor corporations, predecessor corporations, or other entities related to the Company. If the Company is or was a subsidiary or affiliate of another corporation or other entity, identify each of those other entities' Chief Executive Officers, Presidents, and Chairpersons of the Board. Identify the state/commonwealth of incorporation and agents for service of process in the state/commonwealth of incorporation and in Puerto Rico, if different, for each entity identified in your response to this question.
2. Answer the following questions regarding Compañía Ganadera Del Sur, Inc.:
 - a. State the correct legal name and mailing address for Compañía Ganadera Del Sur, Inc.;
 - b. State the name(s) and address(es) of the President, Chief Executive Officer, and the Chairman of the Board (or other presiding officer) of Compañía Ganadera Del Sur, Inc.;
 - c. Identify the state/commonwealth and date of incorporation of Compañía Ganadera Del Sur, Inc. and the name of its agents for service of process in the state/commonwealth of incorporation and in Puerto Rico, if different; and
 - d. Identify any successor corporations, predecessor corporations, or other entities related to Compañía Ganadera Del Sur, Inc. If Compañía Ganadera Del Sur, Inc. is or was a subsidiary or affiliate of another corporation or other entity, identify each of those other entities' Chief Executive Officers, Presidents, and Chairpersons of the Board. Identify the state/commonwealth of incorporation and agents for service of process in the state/commonwealth of incorporation and in Puerto Rico, if different, for each entity identified in your response to this question.
3. State the dates during which the Company owned, operated, or leased any portion of the Site, and provide copies of all documents evidencing or relating to such ownership, operation, or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.

4. State the dates during which Compañia Ganadera Del Sur, Inc. owned, operated, or leased any portion of the Site, and provide copies of all documents evidencing or relating to such ownership, operation, or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.
5. Indicate whether Compañia Ganadera Del Sur, Inc. continues to exist. If it is no longer in business, indicate the date and means by which it ceased operations (e.g., dissolution, bankruptcy, sale), and provide supporting documentation.
6. State the dates during which Servicios Carbareon, Inc., PROTECO, and Resources Management, Inc. owned, operated, or leased any portion of the Site, and provide copies of all documents evidencing or relating to such ownership, operation, or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.
7. Explain in detail the relationship between Compañia Ganadera Del Sur, Inc. and the Company. Identify any managers, officers, and/or directors who held positions in both Compañia Ganadera Del Sur, Inc. and the Company. Submit all documents relating to any transactions between Compañia Ganadera Del Sur, Inc. and the Company, including all documents pertaining to any agreements, express or implied, for the assumption of the liabilities of PROTECO.
8. Explain in detail the relationship between Compañia Ganadera Del Sur, Inc. and Servicios Carbareon, Inc., PROTECO, and Resources Management, Inc.
9. Explain in detail the relationship between Brosval Chemicals, Inc. and Servicios Carbareon, Inc., PROTECO, and Resources Management, Inc.
10. Identify all known prior owners of the Site. For each prior owner, further identify the following:
 - a. The relative dates of ownership;
 - b. All evidence showing the extent to which each entity controlled access to the Site; and
 - c. All evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be released at the Site during the period that each owned the Site.
11. Identify all known prior operators of the Site. For each prior operator, further identify the following:
 - a. The relative dates of operation;
 - b. The nature of prior operations at the Site by each entity;
 - c. All evidence showing the extent to which each entity controlled access to the Site; and

- d. All evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be released at the Site and/or its solid waste units during the period that each was operating the Site.
- 12. Describe the nature of your activities or business at the Site, including past or present purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials at the Site.
- 13. Indicate whether you ever used, purchased, generated, stored, treated, disposed of, or otherwise handled any hazardous substances at the Site. If the answer to the preceding question is anything but an unqualified "no," identify the following:
 - a. In general terms, the nature and quantity of the non-hazardous substances transported, used, purchased, generated, stored, treated, disposed, or otherwise handled;
 - b. The chemical composition, characteristics, and physical state (e.g., solid, liquid) of each hazardous substance so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled;
 - c. The persons who supplied you with each such hazardous substance;
 - d. How each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
 - e. When each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you; and
 - f. The quantity of each such hazardous substance used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.
- 14. Provide a list of all parties (names, addresses, and EPA Identification numbers) that arranged for disposal of hazardous substances, hazardous waste, or industrial waste to the Site by year. If the waste was disposed of pursuant to a written contract, provide a copy of any contracts or agreements.
- 15. Provide a list of all transporters (names, addresses, and EPA Identification numbers) that transported waste to the Site by year. If the waste was disposed of pursuant to a written contract, provide a copy of any contracts or agreements.
- 16. Provide copies of all records, including but not limited to hazardous waste manifests, customer contracts/invoices/receipts, incoming waste logbooks, pre-acceptance sheets, material safety data sheets, generator audit forms, and monthly reports of waste received, that document the names of companies whose waste was disposed of at the Site and/or companies that transported waste to the Site, including the types and quantities of the waste delivered to the Site between 1975 and 1999.
- 17. Provide the names, addresses, and telephone numbers of all persons responsible for the financial recordkeeping for the Site, past and present.

18. Identify all persons directly involved in overseeing activities at the Site, including employees who have knowledge, information, or documents about the Site operations.
19. Provide copies of boring logs, geologic reports, well logs, well locations, soil samples, and all sampling data for the Site, including sampling locations of all such samples. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.
20. Provide information about the Site, including but not limited to the following:
 - a. Property boundaries, including a written legal description;
 - b. Location of any underground utilities (telephone, electrical, sewer, water main, etc.);
 - c. Location of surface structures (e.g., buildings, tanks, etc.);
 - d. Storm water drainage system, and sanitary sewer system, past and present, including septic tank(s), subsurface disposal field(s), and other underground structures; and where, when and how such systems are emptied;
 - e. Any and all additions, demolitions or changes of any kind on, under or about the Site, its physical structures or to the property itself (e.g., excavation work), and any planned additions, demolitions or other changes to the Site; and
 - f. Copies of all maps and drawings of the Site in your possession.
21. Explain what actions the Company has taken since 2001 to maintain the Site and protect the closed waste units, including but not limited to the following:
 - a. What actions the Company has taken to maintain the caps and cover systems of the waste units, and when those actions occurred;
 - b. What actions the Company has taken to control vegetative growth, and when those actions occurred;
 - c. What actions the Company has taken to restrict access to the Site, i.e., by maintaining fences, and when those actions occurred; and
 - d. What actions the Company has taken to collect and dispose of leachate from the Corrective Action Management Unit at the Site, and when those actions occurred.
22. For each answer provided in response to Request #21, above, provide supporting documentation including but not limited to contracts, agreements, reports, photos, manifests, waste logs, etc.
23. Provide the following information regarding the cattle ranch at the Site:
 - a. When the cattle ranch began operating at the Site;
 - b. The name, address, and contact information of the owner of the cattle; and

- c. Details regarding any lease agreement, written or verbal, regarding the cattle ranch operation, including the duration of the lease and the amount of lease payments.
- 24. According to EPA records, there were six white horizontal tanks on an elevated plateau at the center of the Site that were reportedly used to hold nonhazardous wastewaters. Aerial photographs taken in approximately 2015 reveal a cleared pathway through the overgrown vegetation between the cattle ranch located at the Site, the location of the white horizontal tanks, and the Ecosystems Peñuelas Landfill to the east. The photographs indicate that two of the six horizontal tanks were removed. Provide any documentation that these tanks were emptied during the closure activities under RCRA. Indicate whether the tanks were ever used after all closure activities were completed. Explain the contents of the tanks, why two of the tanks were removed, where they were taken, and the ultimate disposition of the tanks.
- 25. Please provide all documents, if not already requested above, that support your responses to Requests #1 - #24, above.
- 26. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
 - a. The Company's document retention policy between 1975 and 2018;
 - b. A description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction;
 - c. A description of the type of information that would have been contained in the documents;
 - d. The name, job title, and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents, the person(s) who would have been responsible for the destruction of these documents, and the person(s) who had and/or still may have the originals or copies of these documents; and
 - e. The names and most current address of any person(s) who may possess documents relevant to this inquiry.
- 27. Please provide copies of the Company's financial statements, shareholder's reports, financial audits, or other financial reports showing its assets, profits, liabilities, and current financial status for the last five years.
- 28. List and provide a copy of all agreements or contracts, including but not limited to insurance policies and indemnification agreements, held or entered into by the Company or its parent corporation(s), subsidiary, or subsidiaries that could indemnify it against any liability that it may have under CERCLA for releases or threatened releases of hazardous substances at and from the Facility. In response to this Request, please provide not only

those insurance policies and agreements that currently are in effect, but also provide those that were in effect during the period(s) when any hazardous substances, hazardous wastes, and/or industrial wastes may have been released or threatened to be released into the environment at or from the Facility.

29. State whether any claim or claims have been made by the Company to any insurance company for any loss or damage related to operation at the Site, and if so, identify each claim by stating the name of the claimant, the name and address of the insurance company, the policy number, the named insured on the policy, claim number, date of claim, amount of claim, the specific loss or damage claimed, the current status of the claim, and the amount, date, and recipient of any payment made on the claim.
30. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
31. State the name, title, and address of each individual who assisted or was consulted in the preparation of the response to this Request for Information. In addition, state whether this person has personal knowledge of the information in the answers provided.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State/Commonwealth of _____

County/Municipality of _____

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

NAME (print or type)

TITLE (print or type)

SIGNATURE

Sworn to before me this

_____ day of _____ 2019.

Notary Public

ATTACHMENT C

LIST OF LETTER RECIPIENTS

1. BASF Agrochemical Products BV d/b/a BASF Agricultural Products de Puerto Rico
2. Betterroads Asphalt, LLC
3. Brosval Chemicals, Inc.
4. Caribe General Electric Products, Inc.
5. Checkpoint Caribbean, Ltd.
6. EMD Millipore Corporation
7. Henkel Puerto Rico, Inc.
8. HP Inc.
9. Owens-Illinois, Inc.
10. Puerto Rico Electric Power Authority
11. Resources Management, Inc.
12. Roche Products Inc.
13. StarKist Co.

ATTACHMENT D

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Office of Small and Disadvantaged Business Utilization (OSDBU)

www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman (ASBO)

www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

EPA's Compliance Assistance Homepage

www.epa.gov/compliance

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

Compliance Assistance Centers

www.complianceassistance.net

EPA sponsored Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Surface Finishing

<http://www.sterc.org>

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines and Clearinghouses

www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 1-734-214-4100

National Pesticide Information Center

www.npic.orst.edu or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - <http://nrc.uscg.mil> or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/p2/pollution-prevention-resources#ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

<https://nationalsbeap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/enforcement/small-businesses-and-enforcement

EPA's Audit Policy

www.epa.gov/compliance/epas-audit-policy

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jorge Valdivieso, President
Brosval Chemicals, Inc.
P.O. Box 1144
Penuelas, PR 00624



9590 9402 3172 7166 3951 12

2. Article Number (Transfer from service label)

7017 1450 0000 0133 0684

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
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- ☐ Collect on Delivery
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☒ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

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First-Class Mail
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Andrea Leshak
Assistant Regional Counsel
New York Caribbean Superfund Branch
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, New York 10007